

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA

v.

DEWAYNE LEWIS

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No. 1:15-cr-00010-TLS-SLC

OPINION AND ORDER

Before the Court is Defendant Dewayne Lewis's motion for hearing transcripts (DE 99), in which Lewis requests that the Court order the Court Reporter to produce transcripts from the hearings held on May 29, 2015, August 17, 2015, September 3, 2015, and December 9, 2015.

As the Seventh Circuit has made clear, "there can be no doubt that the State must provide an indigent defendant with a transcript of prior proceedings when that transcript is needed for an effective defense or appeal." *United States v. Jonas*, 540 F.2d 566, 573 (7th Cir. 1976) (quoting *Britt v. North Carolina*, 404 U.S. 226, 227 (1971)). Here, however, the hearings for which Lewis requests transcripts were not evidentiary in nature, but rather were hearings to establish the procedure and timeline for the case going forward. Such procedural and status hearings are not the sort for which transcripts would be necessary to an effective defense, and Lewis has done nothing to show or explain his need for these transcripts. Additionally, Lewis is not indigent, as he has used his own funds to retain stand-by counsel to assist in his *pro se* representation. Thus, Lewis would not be entitled to free transcripts of these hearings, even if the transcripts he requested were the sort that were necessary to presenting a defense.

Accordingly, Lewis's motion for hearing transcripts (DE 99) is DENIED.

SO ORDERED.

Entered this 2nd day of February 2016.

/s/ Susan Collins
Susan Collins,
United States Magistrate Judge